

Message Text

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DRAFTED BY EUR/EE/MHA VAN HEUVEN:S/FW-COA - CMDR. WELLIN

APPROVED BY EUR - JAARMITAGE

EUR/EE - JABAKER

JUSTICE - JTAFE

COAST GUARD - LT. MITCHELL (SUBS)

L/OES - MBWEST

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P 042243Z APR 74

FM SECSTATE WASHDC

TO AMEMBASSY BUCHAREST PRIORITY

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E.O. 11652 : N/A

TAGS: EFIS, RO

SUBJECT: DETENTION OF TRAWLER INAU

REF: BUCHAREST 1333

1. PACOSTE APPROACH REPORTED REFTTEL SEEMS TO INDICATE THAT DESPITE BEST EMBASSY AND DEPARTMENT EFFORTS ROMANIANS STILL DO NOT UNDERSTAND THE WAY IN WHICH FISHING VIOLATIONS ARE HANDLED. WE WILL CONTINUE SEEK MAKE THIS MATTER CLEAR TO BOGDAN AND EMBASSY SHOULD DO LIKEWISE WITH GOR AUTHORI-

TIES, DRAWING ON FOLLOWING.

2. ARRAIGNMENT OF MASTER OF INAU IN US DISTRICT COURT BALTIMORE SCHEDULED TO TAKE PLACE FRIDAY MORNING APRIL 5 ON CHARGE OF ILLEGAL FISHING WITHIN US CONTIGUOUS FISHERIES ZONE (16 USC 1081). ROMANIANS ON MARCH 29

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RETAINED BALTIMORE FIRM OBER, GRIMES AND SHRIVER. US

ATTORNEY BALTIMORE HAS BEEN AUTHORIZED TO PROCEED WITH OUT OF COURT SETTLEMENT THAT COULD HAVE BEEN EFFECTED EARLIER IN THE WEEK WITHOUT ARRAIGNMENT OF MASTER ON CRIMINAL CHARGES FOR ILLEGAL FISHING. EMBASSY HAS BEEN REPEATEDLY INFORMED OF ADVISABILITY OF RETAINING AMERICAN COUNSEL AND POSSIBILITY OF QUICK PRE-TRIAL SETTLEMENT.

ARRAIGNMENT DOES NOT POSE BAR TO EARLY SETTLEMENT WHICH CAN BE EFFECTED ANYTIME THROUGH CONFERENCE WITH US ATTORNEY BY COUNSEL FOR ROMANIANS.

3. THERE WOULD NOT APPEAR TO BE MUCH POINT IN ARGUING WITH PACOSTE ABOUT FACTS OR EXTENUATING CIRCUMSTANCES. ARGUMENT THAT IT WAS VESSEL'S FIRST VOYAGE AND THAT POLISH BUILDERS SOMEHOW RESPONSIBLE HARDLY AMOUNT TO CONCLUSION OF FORCE MAJEURE. COAST GUARD REPORTS THAT WHEN INAU BECAME AWARE OF CG CUTTER, INAU MADE IMMEDIATE TURN TO DUE EAST AND THEN, WHEN CUTTER CLOSED HER BOW, MADE DEFINITE EVASIVE TURN. OBVIOUS MANEUVERABILITY SUGGESTS THAT DEFENSE BASED ON DEFECTIVE MECHANISM MAY BE DIFFICULT TO SUSTAIN.

4. PACOSTE'S ARGUMENTS SHOULD, IF MADE, BE DIRECTED TO US ATTORNEY. THE MATTER IS BEFORE THE COURT.

DEPARTMENT HAS MAINTAINED CONSISTENT POSTURE WITH ALL FOREIGN GOVERNMENTS THAT SEIZURES OF FISHING VESSELS FOR VIOLATION OF US LAW IS NOT A DIPLOMATIC MATTER BUT RATHER A JUDICIAL MATTER FOR COURTS.

5. SIMILAR VIOLATION BY BULGARIAN FISHING VESSEL LED TO PRE-TRIAL ARRANGEMENT UNDER WHICH VESSEL WAS RELEASED UPON PAYMENT OF \$125,000 FINE. FYI. IT IS LIKELY THAT NEGOTIATED OUT OF COURT SETTLEMENT WITH ROMANIANS WOULD BE OF THIS ORDER OF MAGNITUDE. END FYI.

6. WHILE WIRE SERVICES HAVE PICKED UP STORY, IT HAS PASSED SO FAR WITHOUT SPECIAL NOTICE. RAPID PRE-TRIAL SETTLEMENT WOULD BE BEST WAY TO AVOID UNDUE PUBLICITY. RUSH
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